

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LATTIME CONSTRUCTION AND
HOME BUILDING, INC.,

Plaintiff,

v.

CENTURYTEL SERVS. GROUP, L.L.C.,
and THE BERRY COMPANY,

Defendants.

CIVIL ACTION NO. 1:05cv1062-MEF

ORDER

Upon consideration of the plaintiff's motion to compel (doc. # 33) filed on December 27, 2006 it is

ORDERED that the motion be DENIED pursuant to FED.R.CIV.P. 26(c) and 37(a)(2)(B). These rules, as amended on December 1, 1993, require litigants to resolve discovery disputes by a good faith *conference* before seeking court intervention. Although the parties discussed production of the contract at a deposition on September 11, 2006, no further communications have occurred between counsel. *Written communications do not constitute a conference.* Discovery motions filed pursuant to these Rules *must be accompanied by a certification* that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. Counsel for the parties are DIRECTED to hold not later than 20 days from the date of this order, the required good faith conference. The parties are encouraged to review this district's Guidelines to Civil Discovery which may be found at <http://www.almd.uscourts.gov>.

Done this 28th day of December, 2006.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE